

## REMARKS

In accordance with the foregoing, claims 1 and 7 are amended and new claim 32 is presented. No new matter is presented in any of the foregoing and, accordingly, approval and entry of the amended claims and new claim are respectfully requested.

Claim 29 is cancelled without prejudice or disclaimer.

Applicant points out that the Office Action indicates that based on "Applicant's election . . . claims 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, and 26-29 have not been considered." (Action at page 2). Accordingly, the present Amendment reflects that claims 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, and 26-28 have been "withdrawn" by the Examiner.

Applicant also points out that the "Office Action Summary" does not reflect the withdrawal of claims 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, and 26-29 by the Examiner and Applicants requests the correction of the same in a future action.

Claims 1-5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 30-32 are pending and under consideration.

### **Page 2: Objection To Claims 1 and 7**

The Examiner objects to claims 1 and 7 because of the informalities.

Claim 1 is amended herein to replace the phrase "with using" with the term --using--.  
Claim 7 is amended herein to replace the term "maneged" with the term --managed--.

Withdrawal of the objection is requested.

### **Page 2: Allowable Subject Matter**

On page 2 of the Office Action, the Examiner indicates that dependent claims 15, 17, 19, and 21 recite allowable subject matter.

Applicants thank the Examiner for the indication of allowable subject matter.

The Examiner objects to claims 15, 17, 19, and 21 as being dependent upon a rejected base claim, but indicates they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15, 17, 19, and 21 are not rewritten since Applicants submit that patentability resides in parent independent claim 1 and from which claims 15, 17, 19, and 21 depend.

**Pages 3-4: Rejection of claims 1-3 and 30-31 under 35 U.S.C. §102(e) as being anticipated by Mahne, U.S. P No. 6,981,141**

**Pages 4-5: Rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Mahne**

**Pages 5-6: Rejection of claims 5, 7, 9, 11, 13, 23, and 25 under 35 U.S.C. 103(a) as being unpatentable over Mahne in view of Elrod (Elrod, Elliot. "Partitioning Your Hard Drive". Beyond the Basics. September 2000. Pages 1-6)**

Independent claims 1, 30, and 31 (and dependent claims 2-3) are rejected under 35 U.S.C. §102(e) as being anticipated by Mahne. Dependent claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Mahne. Dependent claims 5, 7, 9, 11, 13, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahne and in view of Elrod.

The rejections are traversed. As set forth in MPEP §706.02 entitled Rejection on Prior Art, anticipation requires that the reference must teach every aspect of a claimed invention. Mahne does not support an anticipatory-type rejection by not describing features recited in the present application's independent claims.

Independent claim 1 recites a data management system including "a storage medium for storing contents; application executing means for activating an application so that the application accesses the contents stored in the storage medium and effects a processing on the contents; access monitoring means for monitoring the status of access of the application to the contents by associating inherent information for the application brought into an activated status by the application executing means, with inherent information for the contents accessed by the application; and filtering means for enciphering the contents with the inherent information for the application when the application under the activated status writes the contents into the storage medium while deciphering the contents with the inherent information for the application when the application under the activated status reads out the contents in the storage medium." Independent claims 30 and 31 have similar recitations.

Applicants submit that Mahne does not teach such monitoring a status of access of an application to the contents by "associating inherent information for the application brought into an activated status . . . with inherent information for the contents accessed by the application," as recited by independent claims 1, 30, and 31. Applicants further submit that Mahne does not teach such filtering means for both:

(1) "enciphering the contents with the inherent information for the application when the application under the activated status writes the contents into the storage medium," and

(2) "while deciphering the contents with the inherent information for the application when the application under the activated status reads out the contents in the storage medium," as

recited by independent claims 1, 30, and 31.

By contrast, Mahne merely teaches

In the first test, the crypto server 330 tests whether the user has been authenticated. . . . In the second test, the crypto server 330 tests whether the document was already encrypted when it was opened by the application 350. . . . In the third test, the crypto server 330 tests whether the EDM database 345 has an indicator that the document should be encrypted. . . . Once the crypto server 330 has the decryption key value, the crypto server 330 then decrypts the document with the decryption key value (step 560), and passes control to the EDM client (step 535) so that the decrypted copy of the document may be opened into the application (step 540). At this point, for documents which are to be decrypted, the method is complete (step 545).

(col. 8, line 17- col. 9, line 67)

That is, Mahne merely teaches an encryption system activated by a computer program that intercepts a change document command or an open document command, carries out an encryption or decryption process, and then completes the command on an encrypted or decrypted file, whereby the encryption method that is transparent to a user is accomplished.

That is, Mahne does not teach inherent information about an application in operation is associated with inherent information about contents to which the application is accessing to monitor a state of the access to the contents by the application, or the contents are enciphered or deciphered by using the inherent information about the application.

Further, as set forth in MPEP §2143.03: "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." Elrod merely teaches a general technique level which divides a hard disk into partitions and encrypts. Even an *arguendo* combination of the cited art does not teach features recited by claims of the present invention.

### Summary

Since features recited by independent claims 1, 30, and 31 (and dependent claims 2-5, 7, 9, 11, 13, 15, 17, 19, 21, 23, and 25) are not taught by the cited art and *prima facie* obviousness has not been established, the rejections should be withdrawn and claims 1-5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 30 and 31 should be allowed.

### New Claim

New claim 32 is presented to recite features of the present invention in an alternate manner. Claim 32 recites a data management system including "an access monitor capable of monitoring a status of access of an application to contents by associating inherent information for the application brought into an activated status with inherent information for the contents

accessed by the application; and a filter capable of enciphering the contents with the inherent information for the application when the application under the activated status writes the contents into a storage medium while deciphering the contents with the inherent information for the application when the application under the activated status reads out the contents in the storage medium."

These features of claim 32 are patentably distinguishable from the cited art, and they are submitted to be allowable for the recitations therein.

### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

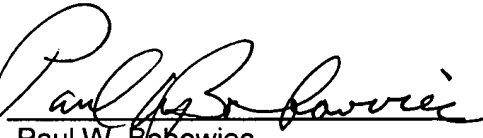
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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